IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : R.S.A.No.2129 of 2006

Date of Decision : December 01, 2006.

Balwant Singh ..... Appellant

Vs.

State of Haryana and others ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.Manjeet Singh, Advocate
for the appellant.

Mr.Ashish Kapoor, Addl.A.G., Haryana
for the respondents.

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P.S.Patwalia, J. (Oral) :

C.M.No.5263-C of 2006 :

By way of present application the appellant seeks condonation of three days' delay in filing the present appeal. Notice of the application was issued to the respondents. Learned counsel for the respondents have put in appearance. A reading of the application would show that the delay had occurred as the counsel for the appellant had fallen ill. For the reasons mentioned in the application delay of three days in filing the appeal stands condoned. C.M. stands allowed.

C.M.No.5264-C of 2006 :

For the reasons mentioned in the application delay of 274 days in re-filing the appeal stands condoned. C.M. stands allowed.

Main Case :

The present Regular Second Appeal has been filed by the plaintiff against concurrent findings recorded by the courts below

dismissing the suit filed by the plaintiff. A reading of the judgments of the courts below would show that the resignation of the plaintiff was accepted on 16.12.1986. Plaintiff claims that he had filed appeal against acceptance of resignation on 08.06.1987. He thereafter remained completely silent and it was only after eight years of the acceptance of resignation that he wrote a letter to General Manager in August 1994 to release his full pay. Thereafter he was served legal notice on 31.10.1994. He filed the present suit only in the year 1999.

Both the courts below have found under issue no.7 that a suit filed in the year 1999 to challenge acceptance of resignation made in December 1986 was clearly barred by limitation.

I find no error in the view taken by both the courts below. Resignation was accepted in December 1986. Against acceptance of resignation there is no statutory remedy of appeal. It may be correct that the plaintiff had filed some representation terming it to be an appeal against the same, however such a representation would not condone limitation. Notice was given in the year 1994 and the suit was filed in the year 199. In these circumstances I am of the opinion that the suit filed by the plaintiff was clearly barred by limitation.

I therefore find no error in the view taken by the courts below warranting interference by way of the present Regular Second Appeal.

No substantial question of law arises for determination in this appeal and the same is accordingly dismissed.

December 01, 2006 (P.S.Patwalia)
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